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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**NOTICE OF MOTION AND MOTION OF
DEFENDANT FACEBOOK, INC. TO
CERTIFY ORDER FOR
INTERLOCUTORY APPEAL PURSUANT
TO 28 U.S.C. § 1292(B)**

Judge: Hon. Vince Chhabria
Courtroom 4, 17th Floor
Hearing Date: November 14, 2019
Hearing Time: 10:00 a.m.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on November 14, 2019 at 10:00 a.m., or as soon thereafter as the matter may be heard before the Honorable Vince Chhabria of the United States District Court for the Northern District of California in the San Francisco Courthouse, Courtroom 4, 17th Floor, 450 Golden Gate Avenue, San Francisco, California 94102, Defendant Facebook, Inc. will and hereby does move pursuant to 28 U.S.C. section 1292(b) for an order certifying an immediate interlocutory appeal from this Court's September 9, 2019 Order granting in part and denying in part Facebook's motion to dismiss the First Amended Complaint. Facebook will confer with opposing counsel and this Court to determine if the hearing date may be moved to November 4, 2019, so the motion can be heard in conjunction with the case management conference set for that date.

The Court's Order held that Plaintiffs adequately alleged a privacy injury sufficient to support Article III standing. Certification of this question for interlocutory appeal is appropriate because (i) "there is substantial ground for difference of opinion" concerning the answer to this question; (ii) this question "involves . . . a controlling question of law"; and (iii) "an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b); *see In re Cement Antitrust Litig.*, 673 F.3d 1020, 1026 (9th Cir. 1982).

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Law, the papers on file in this case, any oral argument that may be heard by the Court, and any other matters that the Court deems appropriate.

DATE: October 8, 2019 Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP

By: /s/ Orin Snyder
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